

REMARKS

The Office Action mailed August 10, 2006, has been carefully considered. The present Amendment is intended to be a complete response thereto and to place the case in condition for allowance.

Claims 1 and 4-10 are pending. Claims 2-3 and 11-12 have been cancelled without prejudice.

THE CLAIMS ARE NOT INDEFINITE

Claims 3 and 12 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The rejection is moot because claims 3 and 12 have been cancelled.

THE CLAIMS ARE NOT ANTICIPATED

Claim 1 and 4-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lange (U.S. Patent No. 2,885,561). Applicants respectfully traverse the rejection.

To anticipate a claim under 35 U.S.C. § 102, the reference must teach every element of the claim. See MPEP § 2131. Lange fails to teach every element of the claimed invention. In particular, the reference fails to disclose that 1) the semitransparent layer covers at least part of the substrate plate; and 2) the luminous elements form an image visible in the dark but essentially invisible under normal lighting condition. First, the Examiner points to the reflecting layer 30 and the support disk 17 to maintain his allegation that Lange discloses a semi-transparent layer covering at least part of the substrate. Office Action, page 3. However, Lange discloses that the support plate is transparent (column 5, lines 8-10), not semi-transparent; and that the reflecting layer 30 is a “semi-translucent reflecting cover layer” (column 3, lines 12-13).

In all embodiments shown by Lange, the reflecting layer (semi-translucent) 30 covers only the luminescent body 20. The reflecting layer 30 does not cover any other surfaces. In the embodiment of Figure 12, on which the Examiner relies, the reflecting layer 30 covers only the luminescent body 20, but not the opaque layer 45 (which the Examiner refers to as the substrate plate). Only the transparent (not semitransparent) layer 17 covers the opaque layer 45. As such, because the opaque layer 45 is covered only by the transparent layer 17, and not by the reflecting layer (semi-translucent) 30, this disclosure does not meet the limitation of the claim that requires the semitransparent layer to cover the substrate plate (which the examiner alleged to be analogous to the opaque layer 45).

In addition, Lange fails to disclose that the luminous elements form an image visible in the dark but essentially invisible under normal lighting condition. The Examiner points to column 1, lines 38-45, to support anticipation of this limitation; however, the passages cited by the Examiner clearly show the opposite of the present invention which requires invisibility under lighting. Column 1, lines 38-45, reads as follows:

It is another object of the present invention to provide an indicating device having luminescent indicia which in daytime have the appearance of a pleasing and strong color.

It is still another object of the present invention to provide an indicating device such as a watch or the like which can be read in the dark while showing in daylight indicia of a pleasing color and smooth surface.

(emphasis added). In addition, Lange discloses that “[t]he metal mirror layer [layer 30] or interference mirror layer causes the sharply defined configuration of the luminescent body to have in daylight a metallic or brilliantly colored appearance.” Column 3, lines 7-11 (emphasis added). Other disclosures, such as in column 4, lines 69-73, also show that Lange intends his indicia to be visible in daylight. There is no disclosure in the reference of an invisible image

under lighting condition. Clearly, not only Lange fails to teach an invisible image under lighting conditions, the reference's teaching is inapposite to the present invention where the image formed by the luminescent elements is invisible under normal lighting condition.

Therefore, for the reasons above, Lange fails to anticipate the present invention within the meaning of 35 U.S.C. § 102. Accordingly, Applicants respectfully request withdrawal of the rejection.

CONCLUSION

Applicant has responded to the Office Action mailed August 10, 2006. All pending claims are now believed to be allowable and favorable action is respectfully requested.

In the event that there are any questions relating to this Amendment or to the application in general, it would be appreciated if the examiner would telephone the undersigned attorney concerning such questions so that the prosecution of this application may be expedited.

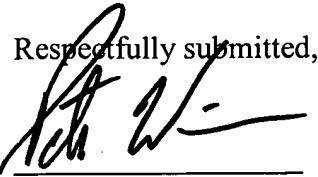
Please charge any shortage or credit any overpayment of fees to BLANK ROME LLP, Deposit Account No. 23-2185 (116598-00114). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this response, applicant hereby petitions under 37 C.F.R. 1.136(a) for an extension of time.

U.S. Patent Application Serial No: 10/811,845
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Any fees due are authorized above.

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Respectfully submitted,



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